1971. No. 287 [C]

NATIONAL INSURANCE

Miscellaneous Amendments

REGULATIONS, DATED 1ST SEPTEMBER 1971, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1971.

ARRANGEMENT OF REGULATIONS

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SCHEDULES

SCHEDULE 1 — Provisions Conferring Powers Exercised in Making these Regulations

SCHEDULE 2 — Provisions to be substituted for Part I of Schedule 1 to the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961

The National Insurance Joint Authority and the Ministry of Health and Social Services, in exercise of powers conferred by the provisions of the National Insurance Acts (Northern Ireland) 1966 to 1971 set out respectively in Parts I and II of Schedule 1, and in each case in exercise of all other powers enabling them in that behalf and in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, hereby make the following regulations being regulations subject to negative resolution in accordance with section 101(3) of the National Insurance Act (Northern Ireland) 1966(a):

Citation and commencement

1.—(1) These regulations may be cited as the National Insurance (Miscellaneous Amendments) Regulations (Northern Ireland) 1971.

(2) Except for the purposes of invalidity benefit under the National Insurance Act (Northern Ireland) 1966, these regulations shall come into operation on 20th September 1971 and for the purposes of the said invalidity benefit they shall come into operation on 23rd September 1971.

(3) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

Amendment of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1948

2. In regulation 11(**b**) of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1948(**c**) (unemployment and sickness benefit in certain cases of persons over pensionable age after election) there shall be added at the end the following paragraph:

"(4) This regulation shall apply for the purposes of the provisions of Article 3 of the Social Services (Parity) Order (Northern Ireland) 1971(**d**) (invalidity benefit) in relation to invalidity pension as it applies for the purposes of the said section 25 in relation to sickness benefit.".

Amendment of the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland) 1948

3.—(1) The National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland) 1948(**e**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(**f**) (payment of benefit to persons absent from Northern Ireland):

(*a*) in paragraphs (1) and (1A), after the words "sickness benefit" there shall be inserted the words "or invalidity benefit";

(a) 1966. c. 6 (N.I.).
(b) Added by reg. 2 of S.R. & O. (N.I.) 1957, No. 160.
(c) S.R. & O. (N.I.) 1948, No. 246.
(d) S.R. & O. (N.I.) 1971, No. 224.
(e) S.R. & O. (N.I.) 1948, No. 210.
(f) See Sch. to S.R. & O. (N.I.) 1958, No. 109 and reg. 2 of S.R. & O. (N.I.) 1967, No. 129.

(*b*) after paragraph (2) there shall be inserted the following paragraphs:

"(2A) A person shall not be disqualified for receiving age addition by reason of being absent from Northern Ireland if:

(*a*) he is ordinarily resident in Northern Ireland; or

(*b*) he was ordinarily resident in Northern Ireland and was entitled to age addition before he ceased to be ordinarily so resident; or

(*c*) in the case of a person who ceased to be ordinarily resident in Northern Ireland before 20th September 1971, he is entitled to a retirement pension and, by virtue of an Order in Council made under section 99 of the National Insurance Act (Northern Ireland) 1966, he is not disqualified for receiving that pension at a higher rate than was applicable in his case when he was last ordinarily resident in Northern Ireland; or

(*d*) in the case of a person who ceased to be ordinarily resident in Northern Ireland on or after 20th September 1971, he is entitled to a retirement pension, and had he ceased to be ordinarily resident in Northern Ireland before that date, by virtue of an Order in Council made under section 99 of the National Insurance Act (Northern Ireland) 1966 he would not have been disqualified for receiving that pension at a higher rate after that date than before it.

(2B) A person shall not be disqualified for receiving invalidity benefit by reason of being absent from Northern Ireland if by virtue of an Order in Council made under section 99 of the National Insurance Act (Northern Ireland) 1966 he would not be disqualified for receiving sickness benefit."

(3) After regulation 5 there shall be inserted the following regulations:

"Modifications of the rate of age addition for certain persons who are or have been outside Northern Ireland

5A. Where a person is entitled to a retirement pension at a rate which is calculated by reference to any period completed by that person in some territory outside Northern Ireland while insured under the Act, any age addition to which he may be entitled shall be calculated as if it were an increase in that pension.

Modifications of the Act in relation to title to invalidity benefit

5B. A person who is or has been outside Northern Ireland while insured under the Act and who by virtue of an Order in Council made under section 99 of the National Insurance Act (Northern Ireland) 1966 would but for the provisions of Article 3 of the Social Services (Parity) Order (Northern Ireland) 1971 have been entitled to sickness benefit in respect of any period, shall be entitled to invalidity pension for that period."

Amendment of the National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations (Northern Ireland) 1948

4.—(1) The National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations (Northern Ireland) 1948(**g**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (insurance and contributions under the Health Insurance Acts to be taken into account for the purposes of the Act)—

(*a*) after the words "sickness benefit," in the first and second places where they occur there shall be inserted the words "invalidity pension,";

(g) S.R. & O. (N.I.) 1948, No. 228.

(*b*) in sub-paragraph (*a*)(ii) there shall be added at the end the words "and of Article 3(2) of the Social Services (Parity) Order (Northern Ireland) 1971 (which relates to invalidity pension)".

(3) For the heading of regulation 6 and for that regulation there shall be substituted respectively the following heading and regulation:

"Avoidance of exhaustion of sickness benefit and provision relating to invalidity pension in certain cases

6. Where, in the case of an existing contributor, since his entry into insurance under the Health Insurance Acts one hundred and four weeks have elapsed and one hundred and four weekly contributions have been paid by or in respect of him under those Acts, or have under regulation 2(2) of the National Health Insurance and Contributory Pensions (Navy, Army and Air Force Emergency Provisions) Regulations 1945, been treated as paid—

(*a*) section 20(3) of the National Insurance Act (Northern Ireland) 1966 (exhaustion of sickness benefit) shall not apply to any claim by him for sickness benefit under that Act; and

(*b*) Article 3(2) of the Social Services (Parity) Order (Northern Ireland) 1971 (which relates to invalidity pension) shall not apply to any claim by him for invalidity pension under the said Article 3."

Amendment of the National Insurance (Airmen) Regulations (Northern Ireland) 1948

5. The National Insurance (Airmen) Regulations (Northern Ireland) 1948(**h**) shall be amended by inserting the words "or invalidity benefit" after the words "sickness benefit" in regulations 4(1) and (2)(**i**) (removal of disqualification for benefit in the case of airmen absent from Northern Ireland) and 7 (evidence of incapacity).

Amendment of the National Insurance (Married Women) Regulations (Northern Ireland) 1962

6. Regulation 10 of the National Insurance (Married Women) Regulations (Northern Ireland) 1962(**j**) (modifications, in relation to widows, of provisions relating to certain benefits) shall be amended as follows:

(*a*) in paragraph (1)(*f*) there shall be added at the end the words "or an invalidity pension";

(*b*) in paragraph (4)(*b*) for the words "or sickness benefit" there shall be substituted the words "sickness benefit or invalidity benefit";

(*c*) in paragraph (5), for the words from the beginning of the paragraph to but not including the words "which would not be payable" there shall be substituted the words "Where a woman is entitled to a widow's basic pension, the provisions of regulation 2(3A) of the Overlapping Benefits Regulations (limitation on adjustment) shall not apply where the other personal benefit in question is unemployment benefit, sickness benefit or invalidity pension";

(*d*) in paragraph (6) there shall be inserted at the beginning the words "For the purposes of a retirement pension";

(*e*) in paragraph (9) for the words "or sickness benefit" there shall be substituted the words "sickness benefit or invalidity pension".

(**h**) S.R. & O. (N.I.) 1948, No. 234.
(**i**) See reg. 2 of S.R. & O. (N.I.) 1958, No. 131.
(**j**) S.R. & O. (N.I.) 1962, No. 64.

Amendment of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961

7.—(1) The National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961(k) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (adjustment of personal benefit under the Act where other personal benefit is payable):

(*a*) in paragraph (1)—

(i) after the words "any other personal benefit" there shall be inserted the words "(whether of the same or a different description)",

(ii) in sub-paragraph (*a*) for the words "paragraph (2)" there shall be substituted the words "paragraphs (2) and (3A)",

(iii) in sub-paragraph (*b*) for the words "paragraph (3)" there shall be substituted the words "paragraphs (3) and (3A)";

(*b*) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Where an adjustment falls to be made in accordance with the provisions of paragraph (2) or (3) and either—

(*a*) one of the benefits in question is widow's basic pension payable to a widow by virtue of the insurance of her husband who died before 5th July 1951, and the other is unemployment benefit, sickness benefit, invalidity benefit or maternity benefit or a specified benefit other than a personal death benefit; or

(*b*) one of the benefits in question is a widow's basic pension or a contributory old age pension and the other is a supplement on account of unemployability payable under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme,

any such adjustment shall not reduce the aggregate amount payable in respect of the benefits in question to less than the aggregate amount of any invalidity allowance to which the beneficiary may be entitled and the sums which would have been payable in respect of the other benefits had they been calculated at the respective rates appropriate to the period immediately before 20th September 1971 (or in the case of invalidity pension had it been calculated at the rate appropriate to sickness benefit for that period) and had no adjustment fallen to be made under this regulation.";

(*c*) in paragraph (4) after sub-paragraph (*b*) there shall be inserted the following sub-paragraph:

"(*bb*) any personal benefit under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme being an additional allowance payable only to a beneficiary who is entitled to a supplement on account of unemployability;".

(3) In regulation 8 (construction of Part II of the regulations) after paragraph (*a*) there shall be inserted the following paragraph:

"(*aa*) that any personal benefit by way of age addition shall be adjusted except by reference to another age addition; or".

(k) S.R. & O. (N.I.) 1961, No. 180.

(4) In regulation 11 (provisions for adjusting benefit for part of a week):

(*a*) in paragraph (1), in the proviso:

(i) for the words "or sickness benefit" there shall be substituted the words "sickness benefit or invalidity benefit";

(ii) for the words from and including the words "paragraph (*d*) of subsection (2)" to the end of the paragraph there shall be substituted the words "section 19(1)(*e*) of the National Insurance Act (Northern Ireland) 1966 (Sunday or some other prescribed day to be disregarded for the purpose of unemployment, sickness and invalidity benefit) is a day other than Sunday, the first reference in this paragraph to Sunday shall be construed as a reference to that other day";

(*b*) for paragraph (3) there shall be substituted the following paragraph—

"(3) In this regulation, the word "benefit" (except in the expressions "unemployment benefit", "sickness benefit" and "invalidity benefit") includes any pension or allowances (whether under the Act or otherwise)."

(5) In Schedule 1 (benefits not to be adjusted by reference to other named benefits)—

(*a*) for paragraph (1) of column 2 there shall be substituted the following paragraph:

"(1) Invalidity allowance or any increase of unemployability supplement payable by virtue of section 13A(**l**) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.";

(*b*) for paragraph (2) of column 1 there shall be substituted the following paragraph:

"(2) Invalidity allowance.";

(*c*) in paragraph (3) of column 1 the words "widow's basic pension or contributory old age pension" shall be omitted;

(*d*) after the words "sickness benefit" where they occur in paragraphs (4) and (11) of column 1 and paragraph (10) of column 2 there shall be inserted the words ", invalidity benefit";

(*e*) in paragraph (4) of column 1 there shall be added at the end the words:

"or

(*c*) in so far as it does not consist of a retirement pension payable by virtue of section 1(1) of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970(**m**) or of Article 5(1) of the Social Services (Parity) Order (Northern Ireland) 1971(**n**).";

(*f*) at the end there shall be added the following paragraphs:

(i) in column 1—

"(12) Invalidity pension in so far as it does not consist of a sum calculated by reference to Article 3(6) of the Social Services (Parity) Order (Northern Ireland) 1971.

(13) Invalidity allowance.

(14) Any personal benefit under the Act other than invalidity allowance." and

(ii) in column 2 opposite to those paragraphs respectively—

"(12) Invalidity allowance.

(13) Invalidity pension in so far as it does not consist of a sum calculated by reference to Article 3(6) of the Social Services (Parity) Order (Northern Ireland) 1971.

(14) Any allowance to which regulation 2(4)(*bb*) refers.".

(**l**) Added by Art. 9 of S.R. & O. (N.I.) 1971, No. 224.
(**m**) 1970. c. 28 (N.I.). (**n**) S.R. & O. (N.I.) 1971, No. 224.

Amendment of the National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1961

8.—(1) The National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1961(**o**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(3) (circumstances in which a person is to be regarded as receiving or having received free in-patient treatment) for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs:

"(*a*) in a hospital or similar institution maintained or administered by the Northern Ireland Hospitals Authority under the Health Services Acts (Northern Ireland) 1953 to 1971, or by or on behalf of the Secretary of State for Social Services, or the Secretary of State for Defence; or

(*b*) in pursuance of arrangements made, or having effect as if made, by the said Northern Ireland Hospitals Authority, the Secretary of State for Social Services or the Secretary of State for Defence, in a hospital or similar institution not so maintained or administered;".

(3) In regulation 3(1) (adjustment of personal benefit):

(*a*) after the words "sickness benefit," there shall be inserted the words "invalidity benefit,";

(*b*) after the words "widow's pension" there shall be inserted the words ", age addition";

(*c*) at the end there shall be added the words "so however that in the case of a person to whom two or more such personal benefits (being benefits by way of retirement pension, age addition or both), or to whom invalidity pension and invalidity allowance, are payable the weekly rate referred to in this paragraph shall be the aggregate of the weekly rates of those benefits".

(4) In regulation 5(4)(*d*) (adjustment where beneficiary is married):

(*a*) after the words "sickness benefit" there shall be inserted the words ", invalidity benefit";

(*b*) after the words "by way of", in the second place where they occur, there shall be inserted the words "invalidity benefit or";

(*c*) after the words "Provided that" there shall be inserted the words "the provisions of head (i) shall not apply in the case of a beneficiary who is a woman and who is receiving an increase of invalidity pension in respect of her husband and".

(5) After regulation 5 there shall be inserted the following regulation:

"Special provisions for certain persons entitled to widow's basic pension

5A. Where a beneficiary is entitled to a widow's basic pension by virtue of the insurance of her husband who died before 5th July 1951 and to some other benefit to which regulation 3(1) relates—

(*a*) regulation 4 or 5(2) shall not require a greater reduction in those benefits than would reduce the aggregate amount payable in respect of them to a sum equal to the aggregate amount which would have been payable in respect of them had they been calculated—

(**o**) S.R. & O. (N.I.) 1961, No. 179.

(i) in the case of any benefit other than an invalidity benefit, at the rate appropriate to that beneficiary for the period immediately before 20th September 1971, and

(ii) in the case of invalidity pension, at the rate appropriate to that beneficiary for sickness benefit for that period, and

(iii) in the case of invalidity allowance, at the rate at which it is payable; and

had they been adjusted under these regulations as in force on 19th September 1971 (invalidity pension and invalidity allowance as so calculated being for this purpose aggregated and treated as sickness benefit);

(*b*) regulation 5(1) shall not operate to permit the aggregate amount payable in respect of those benefits in the case of a tuberculosis patient to exceed £2·50, and in any other case to exceed £2·00."

(6) In regulation 7(1)(*a*) (adjustment or further adjustment of benefit in certain cases) after the words "sickness benefit," there shall be inserted the words "invalidity benefit,".

(7) In regulation 10 (persons constituting "dependants"):

(*a*) after paragraph (*d*) there shall be inserted the words:

"or

(*e*) in the case of a man to whom a retirement pension is payable by virtue of Article 5(1) of the Social Services (Parity) Order (Northern Ireland) 1971(p) (retirement pension for persons over 80)—

(i) he is married and is residing with his wife, or

(ii) he has a child or children in his family; or

(*f*) in the case of a woman to whom a retirement pension is payable by virtue of the said Article 5(1)—

(i) she is married and is residing with her husband and he is in receipt of a retirement pension, or

(ii) she has a child or children in her family;"

(*b*) after the words "those purposes, be regarded as a dependant" there shall be inserted the words "and, in relation to a beneficiary who is regarded as having a dependant by virtue of the provisions of paragraph (*e*) or (*f*), the spouse, child or children shall, for those purposes, be regarded as a dependant or dependants".

(8) After regulation 13 there shall be inserted the following regulation:

"Treatment of age addition in certain cases

13A. In a case where age addition would, but for the provisions of this regulation, be payable to a person to whom a retirement pension is not payable, regulations 3, 4 and 5 shall not apply so as to reduce that age addition, but where that person is receiving or has received free in-patient treatment continuously for a period exceeding 52 weeks, age addition shall not be payable to that person for any part of that period which falls after the first 52 weeks thereof, and during which that person has not a child or children in his or her family or a wife who resides with him."

(p) S.R. & O. (N.I.) 1971, No. 224.

Amendment of the National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations (Northern Ireland) 1951

9. In regulation 11(3) of the National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations (Northern Ireland) 1951(**q**) (special provisions relating to the effect of election by certain persons who have elected to be treated as retired):

(*a*) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph:

"(*b*) No increase of unemployment benefit, sickness benefit or invalidity pension shall be payable to the husband under section 42 or 42A(**r**) of the National Insurance Act (Northern Ireland) 1966(**s**) (increases of benefit for adult dependants) whether in respect of her or any other person;"

(*b*) in sub-paragraph (*d*), after the words "sickness benefit" there shall be inserted the words "or invalidity pension".

Amendment of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland) 1961

10.—(1) The National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland) 1961(**t**) shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 5 (special provisions for day substituted for Sunday) in paragraphs (1) and (2) after the words "sickness benefit" there shall be inserted the words "or invalidity benefit".

(3) In regulation 6 (night workers):

(*a*) in paragraph (1) for the words "and sickness benefit" there shall be substituted the words "sickness benefit and invalidity benefit";

(*b*) in paragraphs (2) and (3) after the words "sickness benefit" there shall be inserted the words "or invalidity benefit".

(4) In regulation 7 (days not to be treated as days of incapacity for work):

(*a*) in paragraph (1) for the words "unemployment and sickness benefit" there shall be substituted the words "unemployment, sickness and invalidity benefit";

(*b*) in paragraph (1)(*d*) after the words "sickness benefit" there shall be inserted the words "or invalidity benefit";

(*c*) after paragraph (1) there shall be added the following paragraph:

"(2) For the purposes of invalidity pension, a day shall not be treated as a day of incapacity for work if it is a day in respect of which a person who is over pensionable age would not be entitled to a retirement pension if he had retired from regular employment on attaining that age and made the necessary claim."

(**q**) S.R. & O. (N.I.) 1951, No. 154.
(**r**) Added by Art. 4 of S.R. & O. (N.I.) 1971, No. 224.
(**s**) 1966. c. 6 (N.I.).
(**t**) S.R. & O. (N.I.) 1961, No. 222.

(5) After regulation 7A there shall be inserted the following regulation:

"*Days to be treated as days of incapacity for work for the purposes of invalidity allowance*

7B.—(1) For the purpose only of ascertaining days of incapacity for work for the purposes of Article 3(5) of the Social Services (Parity) Order (Northern Ireland) 1971(**u**) (invalidity allowance) the days specified in paragraph (2) of this regulation shall be treated as days of incapacity for work if they are days in respect of which the person concerned would have had a right to sickness or invalidity benefit:

(*a*) if he had claimed it; and

(*b*) in a case to which regulation 8 of the National Insurance (Members of the Forces) Regulations 1968(**v**) applies, if that regulation did not apply; and

(*c*) in a case to which paragraph (2)(*c*) applies and in which the widow had not satisfied the contribution conditions set out in paragraph 1 of Schedule 2 to the 1966 Act, if she had satisfied them.

(2) The said days are—

(*a*) in the case of a person who was a serving member of the forces within the meaning of the National Insurance (Members of the Forces) Regulations 1968, days when he was serving as such a member; and

(*b*) in the case of a person who entered into an undertaking with his employer to refrain from claiming sickness, invalidity or injury benefit or maternity allowance in consideration of his drawing unabated sick pay, days in respect of which such an undertaking is in force, so however that this sub-paragraph shall apply only where the undertaking is approved for the purposes of this regulation by the Ministry in its discretion;

(*c*) in the case of a widow who was entitled to widow's allowance, days during the period between the date of her husband's death and the date on which she ceased to be so entitled;

(*d*) in the case of a widow entitled to widow's pension or widowed mother's allowance, days before 23rd September 1972 being days in respect of which she is so entitled at the rate specified in relation to that pension or allowance, as the case may be, in Schedule 3 to the 1966 Act."

(6) In regulation 11A (special provision relating to delay or failure in claiming earnings-related supplement) for the words "entitled to benefit" there shall be substituted the words "entitled to unemployment, sickness or invalidity benefit".

(7) In regulation 12(1) (disqualifications for sickness benefit) after the words "sickness benefit" there shall be inserted the words "and invalidity benefit".

(8) In regulation 13 (increase of benefit for dependent relative and further conditions applicable):

(*a*) for head (ii) of paragraph (2)(*a*) there shall be substituted the following head:

(u) S.R. & O. (N.I.) 1971, No. 224.
(v) S.I. 1968/827.

"(ii) (if a woman) is engaged in any gainful occupation or occupations from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed for the purposes of section 42(1) of the 1966 Act (increase of benefit for a wife) exceed the amount of the increase specified in column 5 of Part II of Schedule 3 to that Act.";

(*b*) after paragraph (2) there shall be added the following paragraph:

"(3) The provisions of this regulation shall apply for the purposes of section 42A(7) of the 1966 Act (increase of invalidity pension) as if the reference in paragraph (2)(*d*) to "sickness benefit" were a reference to "invalidity pension"."

(9) For the heading of regulation 15 and for that regulation there shall be substituted respectively the following heading and regulation:

"Increase of unemployment, sickness benefit and invalidity pension for persons over pensionable age

15. Where, by virtue of the provisions of section 18(3) to (5) of the 1966 Act (unemployment and sickness benefit for persons over pensionable age) or of the provisions of Article 3(4) of the Social Services (Parity) Order (Northern Ireland) 1971 (invalidity pension for persons over pensionable age) a person who is over pensionable age is entitled to unemployment or sickness benefit or invalidity pension in respect of any day for which he would have been entitled to a retirement pension only by virtue of section 44 of the 1966 Act (partial satisfaction of contribution conditions) the weekly rate of any increase of the said unemployment or sickness benefit or invalidity pension under section 39(1) of the 1966 Act (increase of benefit for children) or under section 42(1) or (2)(*c*) or 42A(1) or (4)(**w**) of the 1966 Act (increase of benefit for adult dependants) shall be that at which that increase would have been payable if the benefit to be increased had been the retirement pension to which that person would have been so entitled."

Amendment of the National Insurance (Medical Certification) Regulations (Northern Ireland) 1965

11. In regulation 2(1) of the National Insurance (Medical Certification) Regulations (Northern Ireland) 1965(**x**) (evidence of incapacity for sickness benefit purposes) after the words "sickness benefit" there shall be inserted the words "or invalidity benefit".

Amendment of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1968

12. In regulation 15 of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1968(**y**) (decisions involving payment or increase of benefit):

(*a*) in paragraph (1)(*b*) after the words "sickness benefit" there shall be inserted the words "or invalidity benefit"; and

(*b*) in paragraph (1)(*c*) for the words "and a retirement pension" there shall be substituted the words ", a retirement pension and an age addition"; and

(**w**) Added by Art. 4 of S.R. & O. (N.I.) 1971, No. 224.
(**x**) S.R. & O. (N.I.) 1965, No. 79.
(**y**) S.R. & O. (N.I.) 1968, No. 172.

(*c*) for sub-paragraph (*a*) of paragraph (2) there shall be substituted the following sub-paragraph:

"(*a*) Subject to the provisions of sub-paragraph (*d*), except where it is certified by the decision on review that the original decision was revised by reason only of one or more of the following:

(i) a matter specified in section 63(1)(*a*) of the Act (contributions), or

(ii) a matter specified in section 2(9) of the National Insurance (No. 2) Act (Northern Ireland) 1966 (determination of reckonable earnings), or

(iii) a matter relating to the number of days in respect of which the claimant has been entitled to sickness benefit,

the proviso to paragraph (1) shall apply subject to the condition that no sum on account of benefit shall be paid to any person in respect of any part of the period referred to in that proviso earlier than twelve months before the date on which the application for the review was made."

Amendment of the National Insurance (Computation of Earnings) Regulations (Northern Ireland) 1967

13.—(1) The National Insurance (Computation of Earnings) Regulations (Northern Ireland) 1967(z) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 4(2) (payments to be disregarded in calculating earnings), for the words "and 42" there shall be substituted the words ", 42 and 42A".

(3) In regulation 6 (calculation of earnings of certain retirement pensioners and adult dependants):

(*a*) for the words "an adult dependant thereof" there shall be substituted the words "an adult dependant of such a pensioner or of an invalidity pensioner";

(*b*) for the words "and 42" there shall be substituted the words ", 42 and 42A".

(4) In regulation 7 (interim payments):

(*a*) in paragraph (1) after the words "any increase thereof", in each place where they occur, there shall be inserted the words "or any increase of an invalidity pension";

(*b*) in paragraph (3) after the word "retirement" in each place where it occurs there shall be inserted the words "or invalidity" and at the end of the paragraph there shall be added the words "as the case may be".

(5) In regulation 8 (calculation of earnings from boarders or lodgers in the case of certain retirement pensioners and adult dependants):

(*a*) for the words "an adult dependant thereof" there shall be substituted the words "an adult dependant of such a pensioner or of an invalidity pensioner";

(*b*) for the words "and 42" there shall be substituted the words ", 42 and 42A".

(6) For the heading of regulation 9 and for that regulation (earnings of wife of a retirement pensioner) there shall be substituted respectively the following heading and regulation:

(z) S.R. & O. (N.I.) 1967, No. 130.

"Earnings of dependant of retirement or invalidity pensioner

9. In calculating under the foregoing provisions of these regulations the weekly earnings of any dependant of a beneficiary for the purposes of section 42A of the Act (increases of retirement or invalidity pension for adult dependants) the week by reference to which such earnings shall be calculated shall be the calendar week ending last before any week for which the beneficiary is entitled to a retirement pension or before any day for which he is entitled to invalidity pension as the case may be.".

Amendment of the National Insurance (Old Persons' Pensions) Regulations (Northern Ireland) 1970

14.—(1) The National Insurance (Old Persons' Pensions) Regulations (Northern Ireland) 1970(**aa**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2) after the definition of "the Act of 1970" there shall be inserted the following:

" 'the Order of 1971' means the Social Services (Parity) Order (Northern Ireland) 1971(**bb**);".

(3) After regulation 2 there shall be inserted the following regulation:

"Conditions for entitlement to retirement pension by virtue of Article 5(1) of the Order of 1971

2A.—(1) The conditions specified in paragraph (2) shall be the conditions for entitlement to a retirement pension by virtue of Article 5(1) of the Order of 1971 (retirement pension for persons over 80 years of age).

(2) The said conditions are that the person concerned—

(*a*) has been resident in Northern Ireland for a period of 10 years in the period of 20 years ending on 19th September 1971 or the day before he attained 80 years of age whichever is the later; and

(*b*) was ordinarily resident in Northern Ireland on—

(i) 20th September 1971 or on the day he attained 80 years of age whichever is the later; or

(ii) if he was not ordinarily resident in Northern Ireland on either of those days and the date of his claim for the said pension was later than both of those days, on the date of that claim, so however that where a person has satisfied this condition under this head, he shall be deemed to have satisfied it on the date that he became ordinarily so resident."

(4) In regulation 7 (rates of benefit and increases for adult dependants):

(*a*) paragraph (2) shall be omitted;

(*b*) in paragraph (3)(**cc**) the words "first and last" shall be omitted.

(5) In regulation 8 (adjustment of rates of benefit in cases of overlapping benefits)—

(*a*) in paragraph (1) after the words "Act of 1970" there shall be inserted the words "or Article 5(1) of the Order of 1971" and after the words "section 1(1)", in the second place where they occur, there shall be inserted the words "or the said Article 5(1), as the case may be,";

(**aa**) S.R. & O. (N.I.) 1970, No. 281.
(**bb**) S.R. & O. (N.I.) 1971, No. 224.
(**cc**) Added by reg. 3(4) of S.R. & O. (N.I.) 1970, No. 295.

(*b*) paragraph (3) shall be omitted.

(6) Regulation 11 (provision as to claims for benefit) shall be renumbered 11(1) and the following paragraph shall be added at the end:

"(2) Retirement pension under Article 5(1) of the Order of 1971 may be paid without a claim being made for it in the case of a person—

(*a*) who was ordinarily resident in Northern Ireland on 20th September 1971 or on the day on which he attained 80 years of age, whichever is the later; and

(*b*) to whom another retirement pension is payable."

(7) In regulation 12 (provision as to payment of benefit) after the words "Act of 1970" there shall be inserted the words "or Article 5(1) of the Order of 1971".

Amendment of the National Insurance (General Benefit) Regulations (Northern Ireland) 1971

15.—(1) The National Insurance (General Benefit) Regulations (Northern Ireland) 1971(**dd**) shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 4(1) (increase of benefit for wife) for the words "or a retirement pension under section 42" there shall be substituted the words "invalidity pension or a retirement pension under section 42 or 42A as the case may be".

(3) In regulation 5 (increase of benefit for female person having care of child):

(*a*) the words "and (4)", the words "or (4)", in each place where they occur, and the words "or retirement pension", "or a retirement pension" shall be omitted;

(*b*) after the words "unemployment benefit" there shall be inserted the word "or";

(*c*) for the words "column 6", in each place where they occur, there shall be substituted the words "column 5 of Part II".

(4) After regulation 5 there shall be inserted the following regulation:

"*Increase of pension for female person having care of child*

5A.—(1) Section 42A(4) of the Act (increases of retirement and invalidity pensions in respect of a female person having the care of a child or children of the beneficiary's family) shall not apply in any case where—

(*a*) the beneficiary neither is entitled to an increase of retirement pension or invalidity pension, as the case may be, in respect of a child or children of his family or of a child or children treated as such for the purposes of section 39 of the Act (increases of benefit in respect of children), nor would be so entitled but for the provisions of any regulations for the time being in force under the Act relating to overlapping benefits; or

(*b*) the said female person is not residing with him unless either—

(i) she is employed by him in an employment in respect of which the weekly expenses incurred by the beneficiary are not less than the amount specified in relation to the benefit in question in column 5 of Part II of Schedule 3 to the Act and was so

(**dd**) S.R. & O. (N.I.) 1971, No. 190.

employed by him before he became unemployed or incapable of work or retired from regular employment, as the case may be, subject to the qualification that the condition of employment before that event shall not apply in a case where the necessity for her employment first arose thereafter, or

(ii) the beneficiary is contributing to her maintenance at a weekly rate not less than that specified in relation to the benefit in question in column 5 of Part II of Schedule 3 to the Act and her earnings from any gainful occupation in which she is engaged (other than her employment, if any, by the beneficiary in caring for a child or children of his family) do not exceed the amount of the increase specified in the said column 5; or

(*c*) the said female person is undergoing imprisonment or detention in legal custody; or

(*d*) the said female person is absent from Northern Ireland, except for any period during which she is residing with the beneficiary outside Northern Ireland and for which, by virtue of the provisions of regulation 5 of the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland) 1948, the beneficiary is not disqualified for receiving that benefit.

(2) In a case to which section 42A(4) of the Act applies and in which the female person is residing with the beneficiary and the earnings of the female person (excluding her earnings, if any, from her employment by the beneficiary in caring for a child or children of his family) for the calendar week ending last before any week for which the beneficiary is entitled to benefit exceeded £9·50, the weekly rate of the increase of benefit under the said section 42A(4) shall for the last-mentioned week be reduced—

(*a*) where the excess is less than £2·00, by 5 new pence for each complete 10 new pence of the excess, and

(*b*) where the excess is not less than £2·00, by 5 new pence for each complete 10 new pence of the excess up to £2·00 and by 5 new pence for each complete 5 new pence of any further excess."

(5) In regulation 7 (contributions to maintenance of adult dependants)—

(*a*) after the words "section 42(1)", in each place where they occur, there shall be inserted the words "or 42A(1)";

(*b*) after the words "sickness benefit" there shall be inserted the words "invalidity benefit";

(*c*) for the words "column 6" there shall be substituted the words "column 5 of Part II".

(6) In regulation 8 (children treated as included in a family for increase of certain benefits)—

(*a*) after the words "sickness benefit" there shall be inserted the words "invalidity pension";

(*b*) for the words "in column 5" there shall be substituted the words "in relation to unemployment or sickness benefit in column 4 of Part II";

(*c*) the words "in relation to the benefit in question" shall be omitted.

(7) In regulation 9(2) (contribution toward cost of providing for child) after the words "sickness benefit" there shall be inserted the words "invalidity benefit".

(8) In regulation 11(3) (exceptions from disqualification for imprisonment, etc.):

(*a*) after the words "sickness benefit" there shall be inserted the words "invalidity benefit";

(*b*) for the words "or retirement pension" there shall be substituted the words ", retirement pension or age addition".

(9) In regulation 13 (interim payments, arrears and repayments):

(*a*) in paragraph (2)(*b*), for the words "or a retirement pension" there shall be substituted the words "retirement pension or age addition";

(*b*) in paragraph (9), after the words "sickness benefit" there shall be inserted the words ", invalidity benefit".

Amendment of the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961

16.—(1) The National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961(**ee**) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 9(**ff**) (time and manner of payment of certain benefits) after the words "sickness benefit," there shall be inserted the words "invalidity benefit,".

(3) After regulation 15, there shall be inserted the following regulation—

"Payment of benefit to third party

15A. For any period during which benefit is payable to a beneficiary in respect of another person only if the beneficiary is contributing at not less than a certain weekly rate to the maintenance of, or to the cost of providing for, that other person, then if it appears to the Ministry to be necessary for protecting the interests of the beneficiary or of the other person, or if the beneficiary so requests the Ministry, the Ministry may direct that the whole or part of the benefit payable to the beneficiary (whether or not benefit payable in respect of the other person) shall be paid to another person on behalf of the beneficiary."

(4) In Schedule 1 (claims for one benefit treated as claims for another)—

(*a*) for the provisions of Part I there shall be substituted the provisions set out in Schedule 2;

(*b*) in the second column of Part II—

(i) after the words "Sickness benefit" in the first place where they occur there shall be inserted the words "or invalidity benefit",

(ii) after the words "sickness benefit" in the second place where they occur there shall be inserted the words "or of invalidity pension".

(5) In column (1) Part I of Schedule 2 (time for claiming benefit and disqualifications for late claim)—

(*a*) in paragraph 2(**gg**), after the word "Sickness", in the first place where it occurs, there shall be inserted the words "or invalidity";

(*b*) in paragraph 6, after the word "benefit" there shall be added the words "or invalidity pension".

(6) In Part II of Schedule 2 (special provisions), after the word "sickness", in each place where it occurs in paragraphs 5(1)(**hh**) and 6(3), there shall be inserted the words "or invalidity".

(**ee**) S.R. & O. (N.I.) 1961, No. 221.
(**ff**) See reg. 2(2) of S.R. & O. (N.I.) 1966, No. 219.
(**gg**) See reg. 2(1) of, and Part I of the Sch. to, S.R. & O. (N.I.) 1964, No. 120.
(**hh**) See reg. 2(3) of, and Part II of the Sch. to, S.R. & O. (N.I.) 1964, No. 120.

Given under the Official Seal of the National Insurance Joint Authority this 1st day of September 1971.

(L.S.) *F. B. Hindmarsh,*
a person authorised by the National Insurance Joint Authority to act on behalf of the Secretary, National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 1st day of September 1971.

(L.S.) *W. N. Drummond,*
Assistant Secretary.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 1st day of September 1971.

(L.S.) *C. F. Darling,*
Assistant Secretary.

SCHEDULE 1

Provisions Conferring Powers Exercised in Making these Regulations

PART I

Provisions conferring powers exercised by the National Insurance Joint Authority

Enactment	Relevant Provisions
The National Insurance Act (Northern Ireland) 1966	Section 19(1) and (2)(*a*) Section 20(5) Section 21(4) Section 42(2)(*c*) Section 48 Section 49 Section 106(5) Schedule 9 paragraph 17

PART II

Provisions conferring powers exercised by the Ministry of Health and Social Services

Enactment	Relevant Provisions
The National Insurance Act (Northern Ireland) 1966	Section 21(5) Section 34 Section 40(3) Section 42A(5) and (6) Section 47 Section 48 Section 51 Section 72 Section 74(2) Section 80(3) and (4) Section 95 Section 96 Section 97 Section 106(3)
The National Insurance (No. 2) Act (Northern Ireland) 1966	Section 2(8)(*a*)
The National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970	Section 1(1) Section 8(5)
The Social Services (Parity) Order (Northern Ireland) 1971	Article 5(1) Schedule 5 paragraph 12

SCHEDULE 2 Regulation 16

Provisions to be substituted for Part 1 of Schedule 1 to the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961

Benefit claimed and benefit for which the claim may be treated as a claim in the alternative

Benefit claimed (1)	Alternative Benefit (2)
Sickness benefit	Invalidity benefit
Invalidity benefit	Sickness benefit
Unemployment benefit	Sickness benefit or invalidity benefit
An increase of unemployment benefit	An increase of sickness benefit or of invalidity pension
Sickness benefit for a woman	Maternity allowance
Invalidity benefit for a woman	Maternity allowance
Maternity allowance	Sickness benefit or invalidity benefit
Retirement pension for a woman by virtue of her husband's insurance	Widow's benefit

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations contain provisions relating to invalidity benefit for the chronic sick, age addition for retirement pensioners who have attained the age of 80, retirement pensions for certain persons who have attained that age and provisions relating to increases of retirement and invalidity pensions in respect of female persons having the care of the pensioner's children. The various regulations amended are set out in the "Arrangement of Regulations".

Generally, the provisions relating to invalidity benefit correspond to those relating to sickness benefit, except in relation to increases for adult dependants where they correspond to those relating to retirement pensions: those relating to age addition correspond to those relating to retirement pensions: those relating to retirement pensions for persons over 80 correspond to those for retirement pensions under the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970.

In relation to the increase of retirement and invalidity pensions in respect of female persons having the care of the beneficiary's children the regulations provide that such increases in respect of female persons residing with the pensioner are to be subject to the same earnings rule as was introduced by the Social Services (Parity) Order (Northern Ireland) 1971 in respect of wives. They also prescribe the cases in which no increases are payable; these latter provisions correspond to those previously in force in relation to persons having the care of retirement pensioners' children.

The regulations also contain minor and consequential provisions.